

1982 WL 189214 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 22, 1982

\*1 James R. Morris, Jr.  
President  
Midlands Technical College  
Post Office Box 2408  
Columbia, South Carolina 29202

Dear Dr. Morris:

Pursuant to your request of March 15, 1982, this Office has reviewed the Attorney General's Opinion of June 4, 1981, concerning the use of State fuel and State auto maintenance facilities for vehicles leased by State agencies and institutions.

That opinion advised that only vehicles owned by and titled to the State were eligible to receive fuel and maintenance at the garages and maintenance facilities operated by the Division of Motor Vehicle Management and by the Highway Department. That opinion continues to be valid; however, it should not be construed to limit the practice of Midlands Technical College to provide fuel and maintenance to its leased vehicles at its own facilities.

As you have noted, Section 59-53-1610, Code of Laws, 1976, created Midlands Technical College as an administrative agency of Richland and Lexington Counties. As such, it is not a State agency or institution within the meaning of the opinion of June 4, 1981. Rather, it is a political entity in the nature of a subdivision such as a county, city, fire district, etc. Such political subdivision may, as Midlands Tech has done, purchase fuel through State contract; but this is a privilege granted by the General Assembly which does not change the legal status of the entity concerned. Such entities are not, of course, required to title their vehicles to the State, and may make their own regulations as to the use of the vehicles. Therefore, it is the opinion of this Office that Midlands Technical College may provide fuel and maintenance to its leased vehicles through the facilities which it owns and operates. These vehicles would not, however, be permitted to obtain fuel or maintenance at the garages and facilities operated by State agencies generally.

If you have further questions, do not hesitate to call upon us.

Sincerely,

Frank K. Sloan  
Deputy Attorney General

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